

FILED

9/3/2021

AO 91 (Rev. 11/11) Criminal Complaint

AUSA Megan DeMarco (312) 371-5698

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISIONTHOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

ANTHONY HERNANDEZ

CASE NUMBER:
UNDER SEAL**21 CR 556****CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about September 2, 2021, at Bolingbrook, in the Northern District of Illinois, Eastern Division, and elsewhere, the defendant violated:

*Code Section*Title 21 United States Code, Sections
841(a) and 846*Offense Description*knowingly attempted to possess with intent to
distribute a controlled substance, namely, 5 kilograms
or more of a mixture and substance containing a
detectable amount of cocaine, a Schedule II Controlled
Substance

This criminal complaint is based upon these facts:

X Continued on the attached sheet.

Artyom Postupaka

ARTYOM POSTUPAKA

Special Agent, Drug Enforcement Administration
(DEA)

By m

Pursuant to Fed. R. Crim. P. 4.1, this Complaint is presented by reliable electronic means. The above-named agent provided a sworn statement attesting to the truth of the Complaint and Affidavit by telephone.

Date: September 3, 2021

Maria Valdez

*Judge's signature*City and state: Chicago, IllinoisMARIA VALDEZ, U.S. Magistrate Judge*Printed name and title*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

AFFIDAVIT

I, ARTYOM POSTUPAKA, being duly sworn, state as follows:

1. I am a Special Agent with the Drug Enforcement Administration (DEA).

I have been so employed since approximately September 2018. From September 2012 to September 2018, I was employed as a Police Officer with the Village of Lisle Police Department. I was assigned as a Task Force Officer to the DEA from July of 2014 to August of 2018. My current responsibilities include the investigation of narcotics trafficking offenses.

2. This affidavit is submitted in support of a criminal complaint alleging that Anthony Hernandez has violated Title 21 United States Code, Sections 841(a) and 846. Because this affidavit is being submitted for the limited purpose of establishing probable cause in support of a criminal complaint charging Anthony HERNANDEZ with attempted possession with intent to distribute narcotics, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that the defendant committed the offense alleged in the complaint.

3. This affidavit is based on my personal knowledge and information provided to me by other law enforcement agents.

FACTS SUPPORTING PROBABLE CAUSE

Summary

4. As explained in more detail below, beginning in or around August 2021, a law enforcement confidential source (the "CS"¹) informed members of law enforcement that the CS had been working for a high-level narcotics trafficker, HERNANDEZ, based in Mexico. The CS's job was to pick up and deliver quantities of up to 99 kilograms of cocaine at a time to customers throughout Chicago and in neighboring cities and states. The CS worked directly for HERNANDEZ. Beginning on or about August 25, 2021, HERNANDEZ and the CS discussed through recorded audio calls and text messages an upcoming pick-up of 50 kilograms of cocaine in Bolingbrook, Illinois. On or about September 2, 2021, the CS met with an unnamed man at HERNANDEZ's direction and retrieved two duffle bags, each containing 23 kilograms of cocaine, for a total of 46 kilograms of cocaine.

Background of the Investigation

5. On or about August 20, 2021, at approximately 12:30 p.m., DEA Chicago agents and other law enforcement personnel conducted a debriefing of the CS. The CS related the following in summary, not verbatim:

¹ The CS was arrested for narcotics offenses in August 2021. The CS is cooperating with agents in the hope that he/she will receive favorable treatment with respect to the offenses underlying the August 2021 arrest. However, no threats or promises have been made to the CS. The CS has two prior felony convictions. To date, information provided by the CS has been verified and has led to multiple seizures of narcotics and United States Currency as proceeds of narcotics trafficking.

a. The CS has been working for a Mexico-based Drug Trafficking Organization (DTO) that distributes ton-quantities of cocaine throughout the United States. The DTO collects the proceeds from narcotics sales and ships the money in bulk back to Mexico.

b. The CS's role in the DTO is to distribute kilogram quantities of cocaine to predetermined customers in the Chicago area, and to later collect a predetermined amount of money from the customers. The CS is not involved in the negotiation process, and only follows instructions that HERNANDEZ issues to the CS.

c. The CS met and started working for HERNANDEZ in approximately February or March of 2021. Per the CS, HERNANDEZ lives on a ranch in Jalisco, Mexico, but is an American. The CS believes that HERNANDEZ is originally from the San Diego, California area and speaks fluent English and Spanish. The CS provided a Facebook account for HERNANDEZ, several telephone numbers, and a Silent² application username, "Habanero01" for HERNANDEZ.

d. HERNANDEZ works for a panel of approximately six or seven unknown individuals that represent the leadership of the DTO. HERNANDEZ uses a variety of telephone numbers and encrypted applications to communicate. Specifically, HERNANDEZ pays for the CS's Silent app account, which ensures that

² Silent is a phone application which allow users to engage in encrypted voice, video, and messaging communications.

the communications between the CS and HERNANDEZ are encrypted at the highest possible level.

6. The CS related that the CS has obtained hundreds of kilograms of cocaine for distribution in the Chicago area. The majority of the customers are in the Chicago area, but some come from Indiana, Michigan, and Wisconsin. The CS advised that the last load that the CS picked up was 70 kilograms of cocaine. According to the CS, since the CS started working for the DTO, the CS routinely picks up cocaine loads of up to 99 kilograms.

7. The CS advised that the DTO has other distributors and money collectors in the Chicago area; however, the CS specifically works for HERNANDEZ's distributors/collectors in Detroit and Pennsylvania. According to the CS, the CS has met with HERNANDEZ in person on multiple occasions as part of the CS's narcotics trafficking work for HERNANDEZ.

8. Based on the information obtained from the Facebook account identified as belonging to HERNANDEZ, and on information obtained from law enforcement databases, law enforcement positively identified Anthony HERNANDEZ as the individual for whom the CS says he has been working. Agents showed the CS a California driver's license photo of HERNANDEZ with identifiers removed. The CS confirmed that the person in the photograph was HERNANDEZ and that HERNANDEZ was the individual for whom he had been working and with whom he was in communication as described below.

August 25, 2021: HERNANDEZ Arranges for the CS to Pick-Up of 50 Kilograms of Cocaine

9. On or about August 24, 2021, at the direction of law enforcement, the CS advised HERNANDEZ that the CS's supply of cocaine for distribution was running low.

10. On or about August 25, 2021, the CS exchanged communications with HERNANDEZ, who was using the username "Habanero01," via the application "Silent."

11. At approximately 10:32 a.m., HERNANDEZ sent a text message stating, "Hey doggy by any chance can u rent or borrow a pick UP so u can get the 50 pz [50 pieces/kilograms of cocaine]. They [kilograms of cocaine] coming in a pallet. Maybe u can give me adrres some where that near u like mall or homedepot so u guys can meet."³ At approximately 10:59 a.m., the CS replied, "g morning." HERNANDEZ replied, "Morning." The CS replied, "yea i can get pick up."

12. At approximately 11:00 a.m., HERNANDEZ sent an audio message to the CS stating, "Hey doggy can you send me the address so I can send it to my person and then I'll tell them to get call you or something so they can put a time frame."

³ Some of the conversations detailed herein have been summarized and excerpted in this Affidavit. The summaries of the recorded conversations do not include all statements made or topics covered during the course of the recorded conversations. I based the summaries and the language quoted from the recorded conversations on draft transcripts prepared by. At various points in the Affidavit, I also have indicated (sometimes in brackets) my interpretation of words and phrases used in the recorded conversations. My summaries and interpretations also are based on the context of the recorded conversations, events occurring before or after the recorded conversations, information received from confidential sources, my knowledge of the investigation as a whole, my training and experience, and the training and experience of other law enforcement officers involved in this investigation

Thanks doggy just got to the office as we speak right now. It's a busy day." The CS replied, "1250 N Orchard Rd, Aurora, IL 60506." HERNANDEZ replied via audio message, "Okay it's a pick up right like an open pick up where they can put a pallet on it." The CS replied, "Yes." HERNANDEZ then stated, "4 or 5 days pz [pieces/kilograms] get their."

13. Based on my training and experience, and the training and experience of other law enforcement officers, HERNANDEZ told the CS that 50 kilograms of cocaine would be sent within the next four to five days. HERNANDEZ told the CS that the kilograms were being sent on a pallet and would be able to be picked up with a flat-bed pickup truck.

September 1, 2021: HERNANDEZ and the CS Discuss Payment

14. On or about September 1, 2021, at approximately 12:20 a.m., the CS and HERNANDEZ exchanged communications via WhatsApp, another encrypted communications tool which can be utilized through mobile devices. The WhatsApp account used by HERNANDEZ was associated with the Mexican telephone number 52-332-635-0613 and the username "Habanero." In particular, HERNANDEZ sent the CS a text message stating, "Guess we gonna pay someone 55,900 k [\$55,900] plus they gonna give u some pz [pieces/kilograms] nice ones [good quality narcotics]. Later the same day, at approximately 11:53 a.m., HERNANDEZ sent the CS a screenshot photograph of a Silent App communication which included the cellular telephone number "8155194720." Following this, HERNANDEZ sent an audio message stating, "Yo doggy estamos pagar [we have to pay] 55-9 [\$55,900] and hes gonna turn in 50

pieces [kilograms of cocaine] to us.” HERNANDEZ further sent a text message stating, “Hey doggy can u call that number please.”

15. At approximately 12:50 p.m., the CS replied, “Ok;” “Fa sho.” At approximately 12:51 p.m., HERNANDEZ replied via audio message, stating, “Yeah he um we’re gonna give him that money we’re gonna give him 55,900 [\$55,900] to him and he’s gonna give you 50 uh pieces [50 kilograms of cocaine] for you.” The CS replied, “Ok.” At approximately 12:53 p.m., HERNANDEZ sent an audio message stating, “Let me know when you call that number so I can let my people know you already talked to him or something.” The CS replied, “I called no answer.”

16. Based on my training and experience, and the experience of other law enforcement officers, agents understood HERNANDEZ to have passed the CS a phone number for the unknown target who would be bringing the CS 50 kilograms of cocaine. HERNANDEZ told the CS to call the phone number to coordinate the pickup, and to let HERNANDEZ know so he can inform his bosses [“my people”]. Further, HERNANDEZ advised the CS that when picking up the 50 kilograms of cocaine, he would have to pay the unknown target \$55,900. Agents understood the \$55,900 to be a courier/delivery fee to be paid to the unknown target for dropping off the kilograms.

17. Later the same day, at approximately 10:53 p.m., the CS sent a WhatsApp message to HERNANDEZ, asking “All these pieces [kilograms] going to be good [good quality and packaging] .. not like last ones?” HERNANDEZ replied, “They said they [the kilograms] were [good quality narcotics].”

September 2, 2021: HERNANDEZ Directs the CS to Pick Up the Cocaine

18. On or about September 2, 2021, at approximately 8:27 a.m., HERNANDEZ sent a WhatsApp message to the CS stating, "They guy the the pz [pieces/kilograms] waiting guess he said early in ghe morning." HERNANDEZ then proceeded to call the CS four times on WhatsApp between 8:27 a.m. and 8:37 a.m., none of which were answered. At approximately 8:38 a.m., HERNANDEZ sent a WhatsApp text message stating, "Doggy." At approximately 9:34 a.m., HERNANDEZ placed another unanswered call to the CS.

19. At approximately 8:39 a.m., the CS and HERNANDEZ had a recorded WhatsApp call. During this call, HERNANDEZ stated, "I think the guy with the pieces is calling you." The CS said that the CS was going to be meeting with the unknown target ("UM-1") with the kilograms soon and that the CS would call HERNANDEZ after the pick-up with the total number of kilograms.

20. During this call, agents understood HERNANDEZ to be reaching out to the CS to inform the CS that the kilograms were ready for pick-up.

September 2, 2021: The CS Retrieves 46 Kilograms of Cocaine

21. On or about September 2, 2021, law enforcement formulated plans to have the CS meet with the user of cellular telephone number 815-519-4720 and retrieve the 50 kilograms of cocaine.

22. At approximately 7:35 a.m., members of law enforcement met with the CS at a predetermined meet location and checked the CS for contraband, with none found. The CS was equipped with audio/video recording equipment.⁴

23. At approximately 8:20 a.m., while under constant surveillance by law enforcement, the CS met with an unidentified male at a restaurant in Bolingbrook, Illinois and retrieved two large Wrangler duffle bags that each contained approximately 23-brick shaped objects of suspect cocaine.

24. After the deal, law enforcement recovered the 46 brick-shaped objects within the two bags from the CS. The suspect cocaine was processed and weighed approximately 54,480 grams (gross weight), with packaging. The suspect cocaine was submitted to the North Central Laboratory for chemical testing and safekeeping.

25. Following the deal, at approximately 8:40 a.m., the CS placed a recorded WhatsApp call to HERNANDEZ. During the call the CS related, "I counted the pieces, there's 46, not 50. And then um another thing uh so today am I supposed to meet the dude do I gotta turn that in or do I got more time to wrap more pack or what do you think." HERNANDEZ replied, "46 pieces right?"

26. The CS and HERNANDEZ then discussed the CS turning in money. HERNANDEZ told the CS to "Leave me some big bills leave like 150k [\$150,000] or 180 [\$180,000] just in case." Later in the conversation, HERNANDEZ asked, in reference to the kilograms, "How do they look? They look decent? Have you cracked

⁴ Law enforcement has not yet reviewed the audio/video recordings from this transaction.

one yet?" The CS replied that the CS had not opened one. HERNANDEZ continued, "But they don't look to bad do they?"

27. Based on my training and experience, and the training and experience of other law enforcement officers, the CS told HERNANDEZ that there were only 46 kilograms of cocaine instead of 50. HERNANDEZ acknowledged that there were 46 kilograms and asked the CS how the kilograms looked and if they were good quality. Further, HERNANDEZ instructed the CS to leave him approximately \$150,000 to \$180,000 in large bills for when HERNANDEZ comes to Chicago, Illinois.



28. At approximately 4:33 p.m., HERNANDEZ sent an audio message via WhatsApp to the CS stating, "Hey Dog I forgot there's another 50 [50 kilograms of cocaine] on your way on Friday night they might get there or Saturday early in the morning they just told me I forgot about those that's someone else that's bringing you those." Agents understood HERNANDEZ to be telling the CS that another 50 kilogram cocaine shipment was being delivered on Friday or early Saturday for the CS to retrieve.

29. Starting on or about September 1, 2021, HERNANDEZ has been in communication with CS-1 regarding HERNANDEZ's planned trip to Chicago. HERNANDEZ related to CS-1 that he wants CS-1 to provide him with a large amount of United States Currency and a vehicle during his stay in Chicago. HERNANDEZ related to CS-1 that he plans to fly to Chicago's O'Hare International Airport on September 3, 2021 with an approximate arrival time of 10:00 p.m.

Conclusion

30. Based on the foregoing, I believe there is probable cause to believe that, on or about September 2, 2021, HERNANDEZ attempted to possess with intent to distribute five kilograms or more of a mixture or substance containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and 846.

FURTHER AFFIANT SAYETH NOT.


ARTYOM POSTUPAKA
Special Agent, Drug Enforcement Administration 

SWORN TO AND AFFIRMED by telephone September 3, 2021.


Honorable MARIA VALDEZ
United States Magistrate Judge